

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **CHAIRMAN KIM GILLAN**, on March 15, 2007 at 3:00 P.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Kim Gillan, Chairman (D)  
Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Bob Hawks (D)  
Sen. Carol C. Juneau (D)  
Sen. Rick Laible (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)  
Sen. Jerry O'Neil (R)  
Sen. Mitch Tropila (D)  
Sen. Carol Williams (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Sue O'Connell, Legislative Branch  
Marigail Schreiner, Committee Secretary

**Audio Committees:** These minutes are in outline form only.  
They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 400, HB 662, 3/8/2007  
Executive Action: HB 662, HB 400, SB 201

00:00:00 Opening by Sen. Murphy

**HEARING ON HB 400**

**Opening Statement by Sponsor:**

00:00:52 **REP. DAN VILLA (D), HD 86**, opened the hearing on **HB 400**, Revise planning board laws.

**Proponents' Testimony:**

00:02:06 Chris Burgmeier, Supervisor, Granite Conservation District

00:04:08 Sen. Esp arrived

00:04:43 Carl Seilstad, Fergus County Commissioner

00:05:06 Sarah Carlson, Montana Association of Conservation Districts

**Opponents' Testimony:**

00:05:38 None

**Informational Testimony:**

00:05:44 Steve Schmitz, DNRC

00:06:04 Linda Stoll, Montana Association of Planners

**Questions from Committee Members and Responses:**

00:07:00 Sen. Hawks to Rep. Willa

00:09:00 Sen. Esp. to Sarah Carlson

00:12:12 Sen. Tropila to Rep. Villa

00:13:13 Sen. Hawks to Sarah Carlson

00:15:42 Sen Williams arrived

**Closing by Sponsor:**

00:16:06 Rep. Villa

**HEARING ON HB 662**

**Opening Statement by Sponsor:**

00:16:30 **REP. DAN VILLA (D), HD 86**, opened the hearing on **HB 662**, Revise sanitation in subdivisions law.

**Proponents' Testimony:**

00:18:14 Steve Kilbreath, Section Supervisor, DEQ Subdivision Section

**EXHIBIT(los55a01)**

00:19:07 Carl Seilsted, Fergus County commissioner

00:19:24 Myra Shults, Consultant Attorney, Joint Powers Insurance Authority and Montana Association of Counties

**Opponents' Testimony:**

00:19:52 None

**Informational Testimony:**

00:20:01 None

**Questions from Committee Members and Responses:**

00:20:06 None

**Closing by Sponsor:**

00:20:10 Rep. Villa

**EXECUTIVE ACTION ON HB 662**

00:20:52 **Motion/Vote:** SEN. ESP moved that HB 662 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. ESP will carry HB 662 on the Senate floor.

**EXECUTIVE ACTION ON HB 400**

00:21:37 **Motion:** SEN. GILLAN moved that HB 400 BE CONCURRED IN.

**Discussion:**

00:21:55 Sen Esp to Sen. Hawks

00:23:03 **Vote:** Motion carried unanimously by voice vote. SEN. TROPILA will carry HB 400 on the Senate floor.

00:23:25 Sen. Gillan to Sen. Laible

**EXECUTIVE ACTION ON SB 201**

00:25:07 **Motion:** SEN. LAIBLE moved that SB 201 DO PASS.

00:25:19 **Motion:** SEN. LAIBLE moved that SB 201 BE AMENDED.  
Sen. Laible moved to amend SB 201

**EXHIBIT**(los55a02)

**EXHIBIT**(los55a03)

**Discussion:**

00:25:49 Tim Davis, Montana Smart Growth Coalition

00:28:45 Sen. Gillan to Tim Davis

00:29:36 Tim Davis

00:37:15 Sen. Gillan to Tim Davis

00:39:21 Sen. Esp to Tim Davis

00:40:11 Sen. Hawks to Tim Davis

00:42:25 Sen. Hawks to Linda Stoll

00:44:08 Sen. Laible

00:44:46 Sen. Esp to Tim Davis

00:46:50 Sen. Gillan to Sen. Esp

00:47:42 Sen. Gillan

00:49:15 Sen. Moss

00:50:28 Sen. Juneau to Sen. Moss

00:51:27 Sen. Laible

00:52:15 Sen. Esp to Tim Davis

00:54:25 Sen. Hawks to Tim Davis

00:55:58 Sen. Gillan

00:56:16 **Motion/Vote:** SEN. LAIBLE moved that SB 201 BE AMENDED by segregating amendments 18 and 19 of Amendment SB020102.aso. Motion carried by unanimous voice vote.

00:57:01 **Motion:** SEN. LAIBLE moved amendments 18 and 19 of Amendment SB020102.aso.

Discussion:

00:57:17 Sen. Laible

00:58:02 Sen. Gillan to Sen. Laible

00:58:38 **SEN. LAIBLE** withdrew his motion.

00:58:49 Sen. Esp to Linda Stoll

00:59:35 Sue O'Connell, Legislative Services

01:00:02 **SEN. GILLAN** moved a conceptual amendment to include public access and have Sue O'Connell, LSD, word the amendment to fit with the correct statute.

Discussion:

01:00:38 Sen. Hawks

01:01:18 Sen. Williams

01:02:53 Sen. Laible

01:04:40 Sen. Laible to Tim Davis

01:05:42 **Vote:** SEN. ESP called the question on the CONCEPTUAL AMENDMENT TO SB 201. Motion carried unanimously by voice vote.

01:06:15 **Motion:** SEN. LAIBLE moved that SB 201 BE AMENDED.

Discussion:

01:06:41 **Motion:** SEN. ESP moved AMENDMENT 19.

Discussion:

01:08:11 Sen. Gillan to Esp

01:08:44 **Motion/Vote:** SEN. ESP withdrew his motion to accept Amendment 19 and moved Amendment 19 along with a conceptual amendment. Motion carried unanimously by voice vote.

01:09:29 **Motion:** SEN. LAIBLE moved that SB 201 DO PASS AS AMENDED.

01:09:43 **Motion:** SEN. GEBHARDT moved to withhold voting on SB 201 until such time as the opponents had an opportunity to comments on the amendments.

**Discussion:**

01:10:23 Sen. Laible

01:10:52 Sen. Gillan

01:11:08 Sen. Juneau

01:11:21 Sen. Gebhardt

01:13:12 **SEN. LAIBLE** withdrew his motion to do pass as amended on SB 201.

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**ADJOURNMENT**

Adjournment: 4:13 P.M.

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SEN. KIM GILLAN, Chairman

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MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

**EXHIBIT ([los55aad.pdf](#))**